

REMARKS

This paper responds to the restriction and species election requirement set forth in the Office Action mailed on May 13, 2009.

A. Restriction Requirement

The Examiner restricted the claims into the following three groups:

- Group I: claims 1-11, 18, 19, 20, 22, and 23, drawn to a method of diagnosing disease;
- Group II: claims 12, 16, and 17, drawn to a compound and a kit; and
- Group III: claims 14 and 15, drawn to an agonist and method of identifying an agonist.

In response, Applicants elect Group I, claims 1-11, 18, 19, 20, 22, and 23, drawn to a method of diagnosing disease, with traverse. Applicants traverse the restriction requirement on the grounds that the search and examination of Groups I-III does not present an undue burden. The criteria for a proper restriction requirement, according to MPEP § 803, is that the examiner must establish that the inventions are independent or distinct as claimed and that there is a serious burden on the examiner to examine the entire application. Since it is believed that the search and examination of the three Groups of claims is not unduly burdensome upon the examiner, restriction is not proper and should be withdrawn.

B. Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Atty. Dkt. No. 059718-0108
Application No. 10/587,356

Respectfully submitted,

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